

ORGANIZATION AND FUNCTIONS

**US ARMY
CIVILIAN
APPELLATE
REVIEW
AGENCY**

Headquarters
Department of the Army
Washington, DC
15 September 1979

UNCLASSIFIED

ORGANIZATION AND FUNCTIONS

US ARMY CIVILIAN APPELLATE REVIEW AGENCY

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Major General, United States Army
The Adjutant General

History. Not applicable.

Summary. Not applicable.

Applicability.

a. This regulation applies to—

(1) Appropriated and nonappropriated fund personnel who file equal employment opportunity complaints (CPR 713). This includes non-US citizens in the Republic of Panama.

(2) Appropriated fund personnel who file grievances (CPR 771).

(3) Civilian employees and off-duty military personnel paid from nonappropriated funds who file grievances and appeal adverse actions (AR 230–2).

(4) Army Reserve technicians who initiate actions covered in (1) and (2) above.

b. This regulation does not apply to the personnel below who file grievances and appeal adverse actions:

(1) National Guard technicians.

(2) Enlisted military personnel assigned to Morale Support Program Activities who receive an extended duty supplement from nonappropriated funds (AR 230–1), but who do not hold a NAFI appointment (AR 230–2).

Proponent and exception authority.
Not Applicable.

Army management control process.
Not Applicable.

Supplementation. Local supplement of this regulation is prohibited, except upon approval of the Deputy Chief of Staff for Personnel.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPC–CPR), WASH DC 20310.

Distribution. Active Army, and USAR: To be distributed in accordance with DA Form 12–9A requirements for AR, Organization and Functions—D

ARNG: NONE

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1. Purpose. This regulation—

- a. Sets forth the mission and responsibilities of the US Army Civilian Appellate Review Agency (USACARA), and
- b. Prescribes command and staff relationships.

2. Applicability.

- a. This regulation applies to—
 - (1) Appropriated and nonappropriated fund personnel who file equal employment opportunity complaints (CPR 713). This includes non-US citizens in the Republic of Panama.
 - (2) Appropriated fund personnel who file grievances (CPR 771).
 - (3) Civilian employees and off-duty military personnel paid from nonappropriated funds who file grievances and appeal adverse actions (AR 230-2).
 - (4) Army Reserve technicians who initiate actions covered in (1) and (2) above.
- b. This regulation does not apply to the personnel below who file grievances and appeal adverse actions:
 - (1) National Guard technicians.
 - (2) Enlisted military personnel assigned to Morale Support Program Activities who receive an extended duty supplement from nonappropriated funds (AR 230-1), but who do not hold a NAFI appointment (AR 230-2).

3. Mission.

The mission of the US Army Civilian Appellate Review Agency is to investigate civilian employee complaints of discrimination, grievances, and certain appeals submitted by commands and activities. These investigations are conducted mainly through US Army Civilian Appellate Review Offices.

4. Responsibilities.

- a. Administrator, USAC-ARA, through Chief of US Army Civilian Appellate Review Offices (USACARO), will—
 - (1) During investigations, provide recommendations, advice, and information to commands and activities in the processing of employee complaints, grievances, and appeals.
 - (2) Conduct third party investigations of:—
 - (a) Employee complaints of discrimination based on race, color, religion sex, national origin, age, and physical and mental handicap.
 - (b) Employee grievances. This includes on-site hearings if necessary.
 - (c) Adverse action appeals of nonappropriated fund employees. This includes on-site hearings as requested by the employee or as determined by the examiner.
 - (3) Combine trips to reduce travel costs.
 - (4) Prepare and submit reports of findings, recommendations, and decision. They must comply with laws and regulations of Congress, Office of Personnel Management, Department of Defense, and Department of the Army.
 - (5) Make official decisions, binding on a commander or head of an activity when a procedural violation is found during investigation of grievances of both appropriated and nonappropriated fund employees and adverse action appeals of nonappropriated fund employees.
- b. Commanders and heads of activities will—
 - (1) Review employee complaints, grievances, and appeals. When possible, resolve them locally prior to referral to the servicing USAC-ARO. (Appendix).
 - (2) Furnish a fund citation for travel and per diem when a request for a USACARA investigation is submitted.
 - (3) Provide administrative, manpower, and logistical support. This includes appropriate physical facilities to the USACARA examiner so that investigations may be fast and thorough.
 - (4) Implement recommendations in USAC-ARO reports of findings on grievances and appeals unless their is sufficient justification for a higher level review, such as:
 - (a) New and material evidence is available that was not readily available when the recommendation of the examiner was issued;
 - (b) The recommendation of the examiner involves an erroneous

interpretation of law or regulation or a misapplication of established policy;

- (c) The recommendation of the examiner is of a presidential nature involving new or unreviewed policy considerations that would impact the implementation of requirements prescribed by higher echelon.

5. Staff relationships.

- a. USACARA is a field operating agency of the Office of the Deputy Chief of Staff for Personnel. The Administrator performs under the general administrative supervision of the Director of Civilian Personnel.
- b. The Administrator, USACARA, is authorized to maintain liaison and to communicate directly with—
 - (1) The Director of Equal Employee Opportunity,
 - (2) The Office of Personnel Management,
 - (3) The Canal Zone Civilian Personnel Policy Coordinating Board,
 - (4) Major Army commanders,
 - (5) Heads of activities, and
 - (6) DA Field Operating Agencies in carrying out the routine operations of USACARA.

Appendix

US Army Civilian Appellate Review Offices (USACARO)	Jurisdiction
US Army Civilian Appellate Review Office Citizens Trust Bldg., Room 450 75 Piedmont Ave., NE Atlanta, GA 30303	The States of NC, SC, KY, TN, GA, AL, MS, and FL, PR, and the CZ.
US Army Civilian Appellate Review Office American City Bldg., Suite 723 10227 Wincopin Circle Columbia, MD 21044	The States of MD, OH, VA, WV, DE, and DC.
US Army Civilian Appellate Review Office Federal Bldg., US Courthouse 1100 Commerce St., Rm 6B25 Dallas, TX 75242	The States of OK, AR, TX, NM, and LA.
US Army Civilian Appellate Review Office Heidelberg APO NY 09102	Europe, Africa, Near East, and Atlantic Areas.
US Army Civilian Appellate Review Jerral Bldg., 3d Floor 766 Shrewsbury Ave. Tontton Falls, NJ 07724	The States of PA, NJ, NY, VT, RI, CT, MA, ME, and NH.
US Army Civilian Appellate Review Office 210 N. 12th St., Room 1444 St. Louis, MO 63101	The States of MI, WI, MN, IA, NE, KS, MO, IL, and IN.
US Army Civilian Appellate Review Office Federal and Court Bldg., Rm 3540 650 Capitol Mall Sacramento, CA 95814	The States of WA, OR, MT, WY, CO, AZ, UT, NV, CA, ID, ND, SD, and AK.
Suboffice	The States of HI, Far East, and Pacific Areas.
US Army Civilian Appellate Review Office P.O. Box 50041 Honolulu, HI 96850	

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